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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

96 WYTHE ACQUISITION LLC,

Debtor.

Chapter 11

Case No. 21-22108 (RDD)

**LIMITED OBJECTION AND RESERVATION OF RIGHTS OF THE WILLIAMSBURG
HOTEL BK LLC, TOBY MOSKOVITS AND MICHAEL LICHTENSTEIN TO
CHAPTER 11 TRUSTEE'S APPLICATION FOR ENTRY OF A 2004 ORDER AND
RELATED SUBPOENAS**

**TO: THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE:**

The Williamsburg Hotel BK LLC ("Manager"), its principals Toby Moskovits ("Moskovits") and Michel Lichtenstein ("Lichtenstein") and, together with the Manager and Moskovits, the "Objectors", by their attorneys, Tarter Krinsky & Drogin LLP, submit this limited objection and reservation of rights in response to the application (the "Application") of Chapter 11 trustee Stephen S. Gray (the "Trustee") of the estate of 96 Wythe Acquisition LLC (the "Debtor") for entry of a 2004 order and the issuance of subpoenas pursuant thereto, and respectfully represent:

**THE 2004 APPLICATION IS VAGUE AND THE OBJECTORS RESERVE ALL
RIGHTS TO OBJECT TO ANY SUBPOENAS ISSUED PURSUANT TO
THE 2004 ORDER**

1. The Trustee's Application for 2004 order is a bit vague. The Objectors do not dispute the Trustee has the right to obtain a 2004 order and seek information pertaining to the Debtor from third-parties.

2. Ordinarily in this district, 2004 orders are submitted on *ex parte* basis and copies of the proposed subpoenas are often attached to the 2004 application. Here, the Trustee's 2004 Application states in paragraph 22 the Trustee has sought various books and records, workpapers and other documents concerning the Debtor's affairs from the Objectors and the Debtor's pre-petition tax accountant and others but certain of those persons have failed to voluntarily comply with the Trustee's demands.

3. The proposed 2004 order provides that any recipient of a subpoena shall be given at least 14 days to file a motion to quash and/or limit the subpoena. The Objectors intend to work with the Trustee's counsel to resolve any dispute related to document production and the like requested by a subpoena issued pursuant to any 2004 order entered by this Court.

4. In the event the Objectors and the Trustee are unable to resolve any disputes regarding document production and the like, the Objectors reserve the right to seek relief from this Court related to the issuance of subpoenas to produce documents or to attend a 2004 exam.

Dated: New York, New York
July 26, 2022

TARTER KRINSKY & DROGIN LLP
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